

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Jimmy Tyron Brinson**

**Docket No. 7:11-CR-103-1FL**

**Petition for Action on Supervised Release**

COMES NOW Robert L. Thornton, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jimmy Tyron Brinson, who, upon an earlier plea of guilty to Possession of Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on June 20, 2013, to the custody of the Bureau of Prisons for a term of 27 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Jimmy Tyron Brinson was released from custody on February 13, 2015, at which time the term of supervised release commenced.

On September 22, 2015, a Violation Report was submitted to the court reporting that the defendant was charged with Driving While License Revoked-Impaired Revocation and Fictitious/Altered Title/Registration Card/Tag in Onslow County, North Carolina. At that time, the probation officer recommended, and the court agreed, to allow supervision to continue.

On October 30, 2015, a Violation Report was submitted to the court reporting that the defendant tested positive for marijuana. At that time, Mr. Brinson was participating in the Surprise Urinalysis Program and had reengaged in substance abuse treatment. As such, the probation officer recommended, and the court agreed, to allow supervision to continue.

On July 22, 2016, a Petition for Action on Supervised Release was submitted to the court reporting the defendant was charged with Driving While Impaired and Driving While License Revoked-Not Impaired Revocation in Onslow County, North Carolina. Brinson was continued on supervision and conditions were modified to include service of 7 days custody and completion of 18 hours of community service.

On January 13, 2017, a Petition for Action on Supervised Release was submitted to the court addressing marijuana use on November 24, 2016. Brinson was continued on supervision and conditions were modified to include service of 45 days location monitoring. Additionally, the defendant was required to continue participation in the Surprise Urinalysis Program and substance abuse treatment.

On April 10, 2017, a Petition for Action on Supervised Release was submitted to the court reporting the defendant being charged with Driving While License Revoked and Driving Left of Center, in Duplin County, North Carolina. Supervision conditions were modified to require the defendant to complete 30 hours of community service.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant submitted a urine specimen on September 20, 2017, which tested positive for marijuana. This is the third positive urinalysis submitted by the defendant since his release to supervised release; however, this is the sixth report to the court regarding violations of supervision. Mr. Brinson has previously been ordered and has completed jail confinement, a period of location monitoring, and community service twice. As a sanction for the latest positive urinalysis for marijuana, we are recommending a second period of location monitoring. The defendant has also been referred back to substance abuse treatment. The defendant has competed all previously ordered sanctions imposed by the

court. Should the defendant commit any future violations of supervision we will immediately notify the court.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton  
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Executed On: September 27, 2017

**ORDER OF THE COURT**

Considered and ordered this 28th day of September, 2017, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan  
U.S. District Judge